

Response / # 20  
PATENT 3.7.03  
Docket No. 511582002100

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Assistant Commissioner for Patents, Washington, D.C. 20231, on February 24, 2003.

*Tami M. Procopio*  
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel E. H. AFAR, *et al.*

Serial No.: 09/697,206

Filing Date: 26 October 2000

For: NOVEL GENE UPREGULATED IN  
CANCERS OF THE PROSTATE

Examiner: Minh-Tam B. Davis

Group Art Unit: 1642

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AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to an Office action herein mailed 24 January 2003, time for response to which was set to expire 24 February 2003. An election of species was required.

Applicants fail to understand this request. Applicants have already elected the species wherein the samples are derived from bladder tissue since bladder cancer was selected as the appropriate species.

Applicants understand that only claims 29-30, 32, 44-45, 50-51 and 56-57 are being examined. No response has been received with regard to the declaration of Dr. Challita-Eid submitted with the previous response which demonstrates that there is a sufficient correlation between mRNA production and protein production that detection of either would serve as a basis

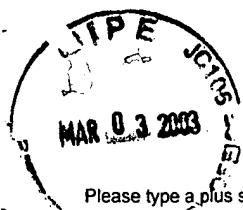
for diagnosis. Applicants believe they are entitled to a response to the evidence submitted, and that all claims now pending should be examined together.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582002100.

Respectfully submitted,

Dated: February 24, 2003

By: Kate H. Murashige  
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1642

PTO/SB/21 (08-00)

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Approved for use through 10/31/02. OMB 0651-0031

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**TRANSMITTAL  
FORM**

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Total Number Of Pages In This Submission

3

Application Number

09/697,206

Filing Date

26 October 2000

First Named Inventor

Daniel E. H. AFAR, et al.

Group Art Unit

1642

Examiner Name

M. Davis

Attorney Docket No.

511582002100

**ENCLOSURES (check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers                                | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input checked="" type="checkbox"/> Amendment / Reply                                | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations                                     | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                                   | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                                 | <input type="checkbox"/> Terminal Disclaimer                              | <input checked="" type="checkbox"/> Return Postcard  |
| <input type="checkbox"/> Information Disclosure Statement, PTO Form 1449, References | <input type="checkbox"/> Request for Refund                               | <input type="checkbox"/>   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                      | <input type="checkbox"/> CD, Number of CD(s) _____                        | <input type="checkbox"/>   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application           |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53      |   |  |

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**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

or

Individual Name

Kate H. Murashige Reg. No. 29,959

Morrison &amp; Foerster LLP

3811 Valley Centre Drive, Suite 500, San Diego, California 92130

Signature

Date

February 24, 2003

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Tami M. Procopio

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